


Application No.: 09/976,302

Attorney Docket No.: 10007788-1

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PATENT APPLICATION

ATTORNEY DOCKET NO. 10007788-1IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): John David Laughlin

Confirmation No.: 1847

Application No.: 09/976,302

Examiner: DEBROW, James J.

Filing Date: October 11, 2001

Group Art Unit: 2176

Title: Method and System for Defining Separate Print Quality Regions within a Print Job

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450TRANSMITTAL OF APPEAL BRIEFTransmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on January 16, 2007.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.138 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:☐ 1st Month
\$120☐ 2nd Month
\$450☐ 3rd Month
\$1020☐ 4th Month
\$1590☐ The extension fee has already been filed in this application.☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 500 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.


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Respectfully submitted,

John David Laughlin

By 

Steven L. Nichols

Attorney/Agent for Applicant(s)

Reg No.: 40,328

Date: March 13, 2007

Telephone: (801) 572-8066

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Patent Application of

John David Laughlin

Application No. 09/976,302

Filed: October 11, 2001

For: Method and System for Defining
Separate Print Quality Regions
within a Print Job

Group Art Unit: 2176

Examiner: DEBROW, James, J.

APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an Appeal Brief under Rule 41.37 appealing the decision of the Primary Examiner dated November 30, 2006. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately.

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I. Real Party in Interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. Related Appeals and Interferences

There are no appeals or interferences related to the present application of which the Appellants are aware.

III. Status of Claims

Claims 1, 6-10, 13-17, 20 and 21 have been cancelled previously. Consequently, claims 2-5, 11, 12, 18, 19 and 22-33 are currently pending for further action, and all have been finally rejected. Accordingly, Appellant appeals from the rejection of claims 2-5, 11, 12, 18, 19 and 22-33, which claims are presented in the Appendix.

IV. Status of Amendments

No amendments have been filed subsequent to the final Office Action of November 30, 2006, from which Appellant takes this appeal.

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V. Summary of Claimed Subject Matter

Through the printer driver, the user may also be able to specify the print quality of the print job. For example, if it is important that the resulting hard copy look good, the user may specify a high print quality. This will typically require more toner or ink from the printer (101) and take longer to generate the printed document. However, if it is not important that the print job has a high print quality, the user can specify a lower print quality using the printer driver. In this way, toner will be conserved and the resulting document can typically be printed more quickly. (Appellant's specification, paragraph 0012).

A problem arises, however, if there are elements in the document that need a high print quality to look satisfactory and other elements that do not. For example, if a document includes both text and photographs, the text may not require a high print quality to be entirely legible and otherwise appear as desired. However, the photographs may not look sharp and satisfactory unless printed with a high print quality. In order to have the photographs appear as desired, the user will have to set the print job to run at a high print quality. The photographs will be satisfactorily printed, as will the accompanying text, but the accompanying text will require more toner and time to print that is necessary for a satisfactory product. (Appellant's specification, paragraph 0013).

Accordingly, Appellant's specification describes a method and system in which a user can, through a printer driver running on a host computer, define regions within a single page of a print job and independently specify a desired print quality setting for each such region. In this way, those elements of a print job that require a high print quality for a satisfactory appearance, such as photographs, can be identified and printed at appropriate quality levels, while other elements, such as text, that do not require a high print quality for a satisfactory

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appearance can be printed at a lesser print quality level. (Appellant's specification, paragraph 0016).

Claim 2 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202) (*Appellant's specification, paragraph 0040*);

a print job formatting routine (206) which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0044*);

a WYSIWYG display routine (204) for generating a WYSIWYG display (133) of said print job (*Appellant's specification, paragraph 0018*); and

a user input routine (205) for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 11 recites:

A method of printing documents comprising printing designated regions within a print job (202) at different print quality levels, said method further comprising:

displaying (134) a WYSIWYG display of said print job (*Appellant's specification, paragraph 0047*); and

receiving user input (136) defining one or more of said regions within said print job (202) using said WYSIWYG display, wherein said user input can selectively define any portion of said print job (202) as a said region with an independently-specified print quality level, said regions including or excluding any particular

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element or elements of said print job (202) as desired by a user (*Appellant's specification, paragraph 0049*).

Claim 18 recites:

A computer system comprising:
a host computer (100) (*Appellant's specification, paragraph 0036*);
an interface (Fig. 2) on said host computer (100) for connecting a printing device (101) to said host computer (100) (*Appellant's specification, paragraph 0037*);
and
a printer driver (203) stored on said host computer (100) for formatting print job data (202) from said host computer (100) to a printing device (101) (*Appellant's specification, paragraph 0041*);
wherein said printer driver (203) comprises a print job formatting routine (206) which notes one or more regions within a print job (202) derived from print job data and further specifies a particular print quality level at which each such region is to be printed (*Appellant's specification, paragraph 0043*); and
wherein said print driver (203) further comprises:
a WYSIWYG display routine (204) for generating a WYSIWYG display of a print job (*Appellant's specification, paragraph 0018*); and
a user input routine (205) for receiving user input defining said one or more regions within a print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job (202) as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 25 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202);

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a user interface (104, 105) with which a user designates one or more specific regions of a print job represented by said print job data (*Appellant's specification, paragraph 0042-3*); and

a print job formatting routine (206) which notes said one or more regions within said print job (202) and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0043*),

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

Claim 32 recites:

A printer driver (203) stored on a computer-readable medium comprising:
an interface (Fig. 2) configured to receive print job data (202);

a print job formatting routine (206) which notes one or more regions within a print job (202) derived from said print job data and further specifies a particular print quality level at which each such region is then printed (*Appellant's specification, paragraph 0043*);

a display routine (204) for generating a display of said print job (*Appellant's specification, paragraph 0042*); and

a user input routine (205) for receiving user input defining said one or more regions within said print job (202) using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a use (*Appellant's specification, paragraph 0043*).

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Claim 33 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels (Fig. 3), said method further comprising:

displaying a display of said print job (133, 134) (*Appellant's specification, paragraph 0047*); and

receiving user input (136) defining one or more of said regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user (*Appellant's specification, paragraph 0043*).

VI. Grounds of Rejection to be Reviewed on Appeal

In the final Office Action of November 30, 2006, the following grounds of rejection were raised:

(1) Claims 2-5, 11, 12, 18, 19, 25-27 and 29-33 were rejected under 35 U.S.C. § 103(a) over the combined teachings of U.S. Patent No. 5,579,446 to Naik et al. ("Naik") and U.S. Patent No. 6,559,968 to Keronen ("Keronen").

(2) Claims 22-24 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combined teachings of Naik, Keronen and U.S. Patent No. 6,107,113 to Nicoloff Jr., et al. ("Nicoloff").

Appellant hereby respectfully request review of these grounds of rejection in this appeal.

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VII. ArgumentClaims 2-5, 11, 12, 18, 19, 25-27 and 29-33 are patentable over Naik and Keronen:

Claim 2 recites:

A printer driver stored on a computer-readable medium comprising:
an interface configured to receive print job data;
a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;
a WYSIWYG display routine for generating a WYSIWYG display of said print job; and
a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 11 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:
displaying a WYSIWYG display of said print job; and
receiving user input defining one or more of said regions within said print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 18 recites:

A computer system comprising:
a host computer;
an interface on said host computer for connecting a printing device to said host computer; and
a printer driver stored on said host computer for formatting print job data from said host computer to a printing device;
wherein said printer driver comprises a print job formatting routine which notes one or more regions within a print job derived from print job data and further specifies a particular print quality level at which each such region is to be printed; and
wherein said print driver further comprises:
a WYSIWYG display routine for generating a WYSIWYG display of a print job; and

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a user input routine for receiving user input defining said one or more regions within a print job using said WYSIWYG display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.*

(Emphasis added).

Claim 25 recites:

A printer driver stored on a computer-readable medium comprising:
an interface configured to receive print job data;
a user interface with which a user designates one or more specific regions of a print job represented by said print job data; and
a print job formatting routine which notes said one or more regions within said print job and further specifies a particular print quality level at which each such region is then printed,

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

(Emphasis added).

Claim 32 recites:

A printer driver stored on a computer-readable medium comprising:
an interface configured to receive print job data;
a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;
a display routine for generating a display of said print job; and
a user input routine for receiving user input defining said one or more regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

(Emphasis added).

Claim 33 recites:

A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:
displaying a display of said print job; and
receiving user input defining one or more of said regions within said print job using said display, *wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said*

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regions including or excluding any particular element or elements of said print job as desired by a user.
(Emphasis added).

In contrast, no cited prior art reference teaches or suggests a print driver, system or method in which a user can specify different print quality levels for different *user-defined* regions of a print job.

Naik at Fig. 5 teaches that text, graphics and photos are recognized by the system and may be printed using different techniques. Naik implies that these elements are automatically recognized by the system and then printed accordingly. (Naik, col. 5, lines 26-29). However, Naik never teaches or suggests that a user input routine receives user input that defines one or more regions within a print job as desired by a user per Appellant's claims.

The recent Office Action concedes that Naik does not teach "a user input routine for receiving user input defining the one or more regions within the print job using the WYSIWYG display, wherein the user input can selectively define any portion of said print job as a said region with a specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by the user." (Action of 11/30/06, p. 3). Consequently, the Office Action proposes to combine the teachings of Naik with those of Keronen. However, Keronen does not teach or suggest a system in which a user can specify a print quality level for different *user-defined* regions of a print job either.

Keronen teaches a system in which different regions of a document are identified by different circular patterns that are provided underneath the content of that document region. (Keronen, col. 4, lines 60-66). If the document is then scanned or copied, the different regions will be distinguished and recognized because of the different underlying circular patterns. A user can then chose to copy or not copy any of the regions identified by the underlying circular pattern. (Keronen, col. 4, lines 20-28).

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Thus, under the teachings of Keronen, the user neither defines a region of a print job nor independently specifies a print quality level for such a region. It is the circular patterns, *not the user*, that determines the regions that can be selectively copied or not copied. Moreover, Keronen also has nothing to do with selecting a particular print quality for a region being printed. Rather, the regions of Keronen are merely selected or not selected for copying. Thus, it is unclear what Keronen adds to the teachings of Naik that is relevant to the claimed subject matter.

The final Office Action argues that Keronen teaches that "the user can select/define different regions within the document that is to be printed." (Action of 11/20/06, p. 3). This clearly misstates what Keronen actually teaches. As demonstrated above, in Keronen, the user cannot *define* regions of a print job. Rather, the different regions are determined or pre-defined, not by the user, but by the circular patterns provided under respective regions of the document.

In some embodiments, Keronen teaches working with pre-printed forms that are already divided into "pre-assigned" regions. (Keronen, col. 4, lines 8-24). In other embodiments, the circular patterns defining different regions are printed onto the document along with document content. According to Keronen, "the method may use plain paper, and instead of scanning the paper, the method prints the unique patterns for each of the regions in addition to the entered text and/or graphics for those regions. Initially, *an image is displayed of the sheet and its regions*. The user then enters in WYSIWYG manner the desired text and/or graphics in the chosen regions. The image containing the text and/or graphics is then combined with an image of the patterns (or barcode) in a known manner, prior to the printing step." (Keronen, col. 6, lines 58-67) (emphasis added). There is no teaching here that the

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"regions" can be defined by user input as recited in the claims. Rather, it appears that the sheet and its regions are pre-determined and displayed before the user enters any input.

Thus, Keronen does not appear to actually teach or suggest that "user input can selectively define any portion of said print job as a said region ... including or excluding any particular element or elements of said print job as desired by a user." Moreover, the final Office Action fails to demonstrate how or where Keronen teaches such subject matter.

Consequently, Keronen cannot remedy the deficiencies of Naik. Neither reference teaches or suggests a method or system in which a user can specify different print quality levels for different *user-defined* regions of a print job. Neither reference teaches or suggests the claimed "user input routine ... wherein said user input can selectively define any portion of said print job as a said region *with an independently-specified print quality level*, said regions including or excluding any particular element or elements of said print job as desired by a user." (Emphasis added).

In sum, the combination of Naik and Keronen clearly fails to teach or suggest a system or method in which user input selectively defines any portion of a print job as a region with an independently-specified print quality level. Neither reference teaches this subject matter. Additionally, neither reference appears to teach a system or method in which user input selectively defines any portion of print job as a region "including or excluding any particular element or elements of said print job as desired by a user."

"A claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added). See M.P.E.P. § 2131. Therefore, for at least this reason, the

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rejection of claims 2, 11, 18 and 25 and their respective dependent claims based on a combination of Naik and Keronen should not be sustained.

Claims 5 and 12 are patentable over Naik and Keronen:

In addition, various dependent claims of the application recite subject matter that is clearly further patentable over the cited prior art. Specific examples follow.

Claim 5 recites:

The printer driver of claim 4, wherein said user input routine is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said *movement of said cursor being used by said user input routine to define said one or more regions within said print job.* (emphasis added).

Claim 12 similarly recites: "The method of claim 11, further comprising specifying said one or more regions within said print job by moving a cursor driven by a mouse over said WYSIWYG display."

In this regard, the Office Action refers to Keronen at col. 6, lines 41-44. (Action of 6/6/06, p. 5). However, this portion of Keronen describes working with a pre-printed form on which regions have already been defined for the user. According to Keronen as cited, "*a specially prepared sheet of paper, such as one shown in FIG. 1A* is fed into and scanned by a scanner. In step 506, the scanned image is displayed on a video monitor. In step 508, the user selects one or more region(s) of the displayed image via input means and enters text and/or graphics via a keyboard or other means." (Keronen, col. 6, lines 41-44) (emphasis added). Consequently, this portion of Keronen merely teaches working with a pre-printed form on which regions have already been drawn for a user. There is no teaching here of the claimed use of a mouse with a user input routine to define regions within a print job.

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For at least these additional reasons, the rejection of claims 5 and 12 should not be sustained.

Claims 29, 30 and 31 are patentable over Naik and Keronen:

Claim 29 recites "wherein said print job formatting routine prompts a user to input a print quality level setting for at least one of said regions." Claims 30 and 31 recite similar subject matter.

In this regard, the recent Office Action refers, without supporting explanation, to Figs. 2 and 5 of Naik. (Action of 11/30/06, p. 11). Appellant has reviewed these figures and finds no teaching or suggest of a print job formatting routine that prompts a user to input a print quality level setting for a region of a print job. Consequently, some explanation of how Naik teaches this subject matter should be provided on the record or the rejection of claims 29-31 reconsidered and withdrawn.

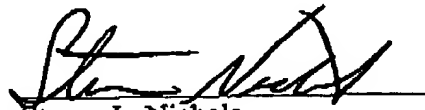
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In view of the foregoing, it is submitted that the final rejection of the pending claims is improper and should not be sustained. Therefore, a reversal of the Rejection of September 28, 2006 is respectfully requested.

Respectfully submitted,

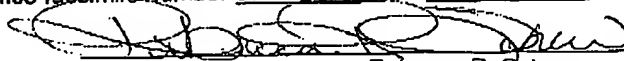
DATE: March 13, 2007


Steven L. Nichols
Registration No. 40,326

Steven L. Nichols, Esq.
Managing Partner, Utah Office
Rader Fishman & Grauer PLLC
River Park Corporate Center One
10653 S. River Front Parkway, Suite 150
South Jordan, Utah 84095
(801) 572-8066
(801) 572-7666 (fax)

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Rebecca R. Schow

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VIII. CLAIMS APPENDIX

1. (cancelled)
2. (previously presented) A printer driver stored on a computer-readable medium comprising:
 - an interface configured to receive print job data;
 - a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;
 - a WYSIWYG display routine for generating a WYSIWYG display of said print job;
 - and
 - a user input routine for receiving user input defining said one or more regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.
3. (original) The printer driver of claim 2, wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.

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4. (original) The printer driver of claim 2, wherein said user input routine is configured to receive user input through a mouse connected to a host computer on which said printer driver is running.

5. (original) The printer driver of claim 4, wherein said user input routine is configured to display movement of a cursor on said WYSIWYG display in response to physical movement of said mouse, said movement of said cursor being used by said user input routine to define said one or more regions within said print job.

6-10. (cancelled)

11. (previously presented) A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:

displaying a WYSIWYG display of said print job; and

receiving user input defining one or more of said regions within said print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

12. (original) The method of claim 11, further comprising specifying said one or more regions within said print job by moving a cursor driven by a mouse over said WYSIWYG display.

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13-17. (cancelled)

18. (previously presented) A computer system comprising:

a host computer;

an interface on said host computer for connecting a printing device to said host computer; and

a printer driver stored on said host computer for formatting print job data from said host computer to a printing device;

wherein said printer driver comprises a print job formatting routine which notes one or more regions within a print job derived from print job data and further specifies a particular print quality level at which each such region is to be printed; and

wherein said print driver further comprises:

a WYSIWYG display routine for generating a WYSIWYG display of a print job; and

a user input routine for receiving user input defining said one or more regions within a print job using said WYSIWYG display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

19. (original) The system of claim 18, wherein said user input routine is configured to receive user input specifying a particular print quality level for each of said one or more regions defined within said print job.

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20-21. (cancelled)

22. (previously presented) The printer driver of claim 2, wherein a said print quality level is defined by pixels per unit distance.

23. (previously presented) The method of claim 11, wherein a said print quality level is defined by pixels per unit distance.

24. (previously presented) The system of claim 18, wherein a said print quality level is defined by pixels per unit distance.

25. (previously presented) A printer driver stored on a computer-readable medium comprising:

an interface configured to receive print job data;

a user interface with which a user designates one or more specific regions of a print job represented by said print job data; and

a print job formatting routine which notes said one or more regions within said print job and further specifies a particular print quality level at which each such region is then printed,

wherein user input through said user interface can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

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26. (previously presented) The printer driver of claim 25, wherein said user interface comprises a WYSIWYG display of said print job.
27. (previously presented) The printer driver of claim 25, wherein said user interface comprises a mouse moving a cursor on a display of said print job, wherein clicking and dragging said cursor on said display designates a said region of said print job.
28. (previously presented) The printer driver of claim 25, wherein said print quality level is defined by pixels per unit distance.
29. (previously presented) The printer driver of claim 2, wherein said print job formatting routine prompts a user to input a print quality level setting for at least one of said regions.
30. (previously presented) The printer driver of claim 11, further comprising prompting a user to input settings for said print quality levels corresponding to said regions.
31. (previously presented) The system of claim 18, wherein said print job formatting routine prompts a user to input a print quality level setting for at least one of said regions.
32. (previously presented) A printer driver stored on a computer-readable medium comprising:
- an interface configured to receive print job data;

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a print job formatting routine which notes one or more regions within a print job derived from said print job data and further specifies a particular print quality level at which each such region is then printed;

a display routine for generating a display of said print job; and

a user input routine for receiving user input defining said one or more regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user,

33. (previously presented) A method of printing documents comprising printing designated regions within a print job at different print quality levels, said method further comprising:

displaying a display of said print job; and

receiving user input defining one or more of said regions within said print job using said display, wherein said user input can selectively define any portion of said print job as a said region with an independently-specified print quality level, said regions including or excluding any particular element or elements of said print job as desired by a user.

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IX. Evidence Appendix

None

X. Related Proceedings Appendix

None

XI. Certificate of Service

None